

HP Docket No. 200208780-1

REMARKS

Applicants appreciate the Office's review of the present application. In response to the Office Action, the cited references have been reviewed, and the rejections and objections made to the claims by the Examiner have been considered.

In order to place the application in condition for allowance, claims 22, 33-38, 41-44, and 96-98 have been amended, and claims 25-27, 32, 39-40, and 100-101 have been cancelled without prejudice. Support for any claim amendments is found in the specification, claims, and drawings as originally filed, and no new matter has been added. Applicants believe that the amendment to the abovementioned claims does not require a further substantive examination and does not present new matter, and therefore request entry of this amendment. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

This Amendment is submitted in order to further prosecution and permit the issuance of a patent on the allowable subject matter in reliance, on the allowability indicated by the Office and only in order to advance prosecution, and should not be construed as acquiescence by Applicants in the outstanding rejection. Applicants reserve the right to pursue the content of any cancelled claims in a continuing application.

Rejections**Rejection Under 35USC §103**

Claims 22-23, 28, and 97 have been rejected under 35 USC §103(a), as being unpatentable over U.S. patent 6,491,377 to Cleland et al. ("Cleland") in view of U.S. patent 5,541,629 to Saunders et al. ("Saunders"). With this Amendment, independent claim 22 has been amended to include the limitations of allowable prior claim 40 and intervening claims.

Dependent claims 23, 28, and 97 depend from claim 22. The rejection of claims 22-23, 28, and

HP Docket No. 200208780-1

97 under 35 USC §103(a), therefore, is rendered moot.

Claim 24 has been rejected under 35 USC §103(a), as being unpatentable over U.S. patent 6,491,377 to Cleland et al. ("Cleland") in view of U.S. patent 5,541,629 to Saunders et al. ("Saunders"), and further in view of U.S. patent 5,621,440 to Takahashi ("Takahashi"). This claim depends from base claim 22, which is allowable for reasons stated heretofore. Therefore, the rejection of claim 24 under 35 USC §103(a) is rendered moot.

Claim 33 has been rejected under 35 USC §103 (a), as being unpatentable over U.S. patent 6,491,377 to Cleland et al. ("Cleland") in view of U.S. patent 5,541,629 to Saunders et al. ("Saunders"), in view of U.S. patent 5,621,440 to Takahashi ("Takahashi"), and further in view of U.S. patent 5,757,394 to Gibson et al. ("Gibson"). This claim depends from base claim 22, which is allowable for reasons stated heretofore. Therefore, the rejection of claim 33 under 35 USC §103(a) is rendered moot.

Claim 36 has been rejected under 35 USC §103(a), as being unpatentable over U.S. patent 6,491,377 to Cleland et al. ("Cleland") in view of U.S. patent 5,541,629 to Saunders et al. ("Saunders"), in view of U.S. patent 5,621,440 to Takahashi ("Takahashi"), and further in view of U.S. patent 6,476,839 to Nakajima et. al ("Nakajima"). This claim depends from base claim 22, which is allowable for reasons stated heretofore. Therefore, the rejection of claim 36 under 35 USC §103(a) is rendered moot.

Claims 42-44 have been rejected under 35 USC §103 (a), as being unpatentable over U.S. patent 6,491,377 to Cleland et al. ("Cleland") in view of U.S. patent 5,541,629 to Saunders et al. ("Saunders"), in view of U.S. patent 5,621,440 to Takahashi ("Takahashi"), in view of U.S. patent 6,036,297 to Hayasaki ("Hayasaki"), and further in view of U.S. patent 6,270,180 to Arakawa et al. ("Arakawa"). These claims depend from base claim 22, which is allowable for

HP Docket No. 200208780-1

reasons stated heretofore. Therefore, the rejection of claims 42-44 under 35 USC §103(a) is rendered moot.

Claim 96 has been rejected under 35 USC §103 (a), as being unpatentable over U.S. patent 6,491,377 to Cleland et al. ("Cleland") in view of U.S. patent 5,541,629 to Saunders et al. ("Saunders"), and further in view of U.S. patent 6,022,094 to Gibson et al. ("Gibson"). This claim depends from base claim 22, which is allowable for reasons stated heretofore. Therefore, the rejection of claim 96 under 35 USC §103(a) is rendered moot.

Claim 98 has been rejected under 35 USC §103 (a), as being unpatentable over U.S. patent 6,491,377 to Cleland et al. ("Cleland") in view of U.S. patent 5,541,629 to Saunders et al. ("Saunders"), and further in view of U.S. patent application publication 2003/0189608 to Hung et al. ("Hung"). This claim depends from base claim 22, which is allowable for reasons stated heretofore. Therefore, the rejection of claim 98 under 35 USC §103(a) is rendered moot.

Claim 99 has been rejected under 35 USC §103 (a), as being unpatentable over U.S. patent 6,491,377 to Cleland et al. ("Cleland") in view of U.S. patent 5,541,629 to Saunders et al. ("Saunders"), and further in view of U.S. patent application publication 2003/0189608 to Schloeman et al. ("Schloeman"). This claim depends from base claim 22, which is allowable for reasons stated heretofore. Therefore, the rejection of claim 99 under 35 USC §103(a) is rendered moot.

Formalities

Allowable Subject Matter

Claims 40-41 have been objected to as being dependent upon a rejected base claim and

HP Docket No. 200208780-1

have been indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

With this Amendment, Applicants have rewritten independent claim 22 to include the limitations of allowable prior claim 40 and intervening claims. Applicants have also rewritten allowable claim 41 in independent form to include all of the limitations of the base claim and any intervening claims. Applicants, therefore, respectfully request that the objection to claims 40-41 be withdrawn and these claims be deemed allowed.

Rejoinder of Dependent Claims to Non-Elected Species

Dependent claims 29-31, 34-35, and 37-38, drawn to non-elected species and depending from claim 22, were previously withdrawn. In response to the restriction requirement dated 12/28/2006, Applicants requested that claim 22 be designated as generic. Since generic claim 22 is now believed allowable, withdrawal of the restriction requirement and rejoinder of claims 29-31, 34-35, and 37-38 is respectfully requested.

Comments on Statement of Reasons for Allowance

Applicants agree with the Office's conclusion regarding patentability, without necessarily agreeing with or acquiescing in the reasons set forth in the Office Action. In particular, applicant(s) wish to emphasize that the patentability of claims stems from the respective combinations of elements defined by the claims, each viewed as a whole, rather than the presence of any particular element(s) in the combinations. Applicants submit that the indicated claims are allowable because the prior art fails to anticipate, teach, suggest, or render obvious the invention as claimed, independent of how the invention is paraphrased. Applicants thus rely on the claims, as drafted, rather than any characterization in the Office Action.

Conclusion

Page 25 of 27

HP Docket No. 200208780-1

Attorney for Applicant(s) has reviewed each one of the cited references made of record and not relied upon, and believes that the claims presently on file in the subject application patentably distinguish thereover, either taken alone or in combination with one another.

Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned Robert C. Sismilich, Esq. at the below-listed telephone number.

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HP Docket No. 200208780-1

**AUTHORIZATION TO PAY AND PETITION
FOR THE ACCEPTANCE OF ANY NECESSARY FEES**

If any charges or fees must be paid in connection with the foregoing communication (including but not limited to the payment of an extension fee or issue fees), or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fees, or any such overpayment, may be respectively paid out of, or into, the Deposit Account No. 08-2025 of Hewlett-Packard Company. If any such payment also requires Petition or Extension Request, please construe this authorization to pay as the necessary Petition or Request which is required to accompany the payment.

Respectfully submitted,



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